

CV 15

3577

THE UNITED STATE DISTRICT COURT FOR
THE EASTERN DISTRICT COURT OF NEW
YORK

GERTRUDE JEAN PIERRE

Plaintiff,

- against -

THE PEOPLE OF THE STATE OF NEW
YORK

Defendant

SEYBERT, J.

LINDSAY, M.J.

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

2015 JUN 18 PM 3:33

FILED
CLERK

ORIGINAL

INJUNCTION
AND DISMISSAL
REQUESTED OF
CASE INDEX#:
1898/13

**MEMORANDUM OF LAW IN SUPPORT OF TEMPORARY
RESTRAINING ORDER, PRELIMINARY
INJUNCTION, AND DISMISSAL OF CASE# 2013NAO18938**

TABLE OF CONTENTS

RESERVATION OF RIGHTS DUE TO FRAUD.....	9
FEDERAL QUESTION.....	10
PRELIMINARY STATEMENT.....	10
FACTS OF THE CASE.....	19
I. FACTUAL BACKGROUND.....	19
A. Breaking The Promise of a Refund –False Statement.....	23
B. Judging, Advising and Prosecuting.....	27
II. BASIS AND THE GOOD CAUSE AS WELL AS THE REASON WHY DEFENDANT IN THE CRIMINAL MATTER CALLED ON 28 U.S. CODE 1443.....	31
A. Julianne Bonomo's procedural history of the case is of omission of many motions and documents which defendant has submitted to the Court and the DAs office.....	34
B. History.....	35
C. Denial of rights.....	37
D. While in police custody.....	38
E. Definition of public accommodation.....	41
F. The DAs office and the court as well as my lawyers have killed the tape each time that I submit it as evidence. Here is a transcript of the tape recorder	42
G. Cannot enforce in the courts of such state a right under any.....	48
law.....	
H. My awareness of this country's historical false conviction mainly of blacks.....	51
I. The Arraignment.....	51
J. The court.....	53
k. The case when Judge O'Brien Presided.....	55
L. The prosecutor.....	56

M. Persons/entities who are practicing Jim Crow Law/slavery/genocide on Long Island.....58

N. Texting/communication-Defendant (in criminal matter -Gertrude Jean Pierre) with lawyer Craig McElwee) from court date 12/9/14.....76

III. Refusal of Nassau District Court and Nassau District Attorney's office to allow me to call on the remedy made available by the law.....84

IV. I THEREFORE SEEK, EXTRAORDINARY PROTECTION.....93

A. Expenses incurred to fight a doomed prosecution.....94

B. The plundering of plaintiff's resources and sabotaging of her rights to a defense.....95.

ARGUMENT

I. New York's Prohibitions on Deceptive Acts and Practices and False Advertising Broadly Empower Private Plaintiff to Enjoin Defendant's (complainant and hired lawyers) Activities.....102

II. Plaintiff Meet the Requirements for the Issuance of a Preliminary Injunction Under Sections 349 and 350 of the General Business Law.....103

A. Plaintiffs Are Likely To Succeed on the Merits of her Sections 349 and 350 Claims.....105

1. Defendant's (complainant and hired lawyers) are "consumer-oriented" targeting a pa

2. Defendant 's (complainant and hired lawyers) Deceptive Acts Were Materially Misleading 108

3. Plaintiff Suffered Injuries as a Result of Defendant's (complainant and hired lawyers) Deceptive Acts 110

4. Because Plaintiffs' Injuries Arose From Transactions in New York State, she May Assert Viable Claims Under Sections 349 and 350 of the GBL.....111

B. Irreparable Harm Will Occur Unless a Preliminary Injunction Is Granted.....111

1. Plaintiff May Satisfy the Irreparable Injury Requirement by Demonstrating Irreparable Harm to Future Victims of the Same Scam.....112

2. Absent A Preliminary Injunction, Future Victims Will Suffer Irreparable Injury to Their Creditworthiness 116

C. The Balances of Equities Tips in Favor of Plaintiff.....	117
D. Plaintiffs Are Likely to Succeed on the Merits.....	120
III. Plaintiff is Entitled to An Order of Attachment Against Each and Every Lawyers she's hired but have lied to her to take her Money and to further the Criminality of the Complainant.....Error! Bookmark not defined.	120
A. Defendant (plaintiff's hired lawyers acting in favor of complainant with DA) Have Dissipated and taken Plaintiffs' Property with the Intent to Defraud and Frustrate the administration of justice.....Error! Bookmark not defined...	120
B. Plaintiff is like to Succeed on the Merits.....	128
C. Plaintiffs Face Imminent Irreparable Harm Absent a Temporary Restraining Order and Order of Attachment.....Error! Bookmark not defined.Error! Bookmark not defined....	129
CONCLUSION.....	131

TABLE OF AUTHORITIES

Cases

<u>Am. Medical and Life Ins. Co. v Crosssummit Enters.</u> , 2009 NY Slip Op 31187U (Sup. Ct. Nassau Cty. May 18, 2009).....	130
<u>Andre Strishak & Assoc., P.C. v. Hewlett Packard Co.</u> , 300 A.D.2d 608 (2d Dep't 2002).....	105
<u>Arzu v. Arzu</u> , 579 N.Y.S.2d 322 (1st Dep't 1993).....	121
<u>Bartolomeo v. Runco</u> , 616 N.Y.S.2d 695 (Yonkers City Ct. 1994)	109
<u>Blue Cross & Blue Shield of New Jersey, Inc. v. Philip Morris USA Inc.</u> , 3 N.Y.3d 200 (2004).....	25, 102, 114
<u>City of New York v. Smokes-Spirits.Com, Inc.</u> , 12 N.Y.3d 616(2009).....	106
<u>City of New York v. Times' Up Inc.</u> , 11 Misc. 3d 1052A (Sup. Ct. N.Y. Cty. (2006)...	117

<u>Cohen v. JP Morgan Chase & Co.</u> , 498 F.3d 111 (2d Cir. 2007).....	108
<u>Commodity Futures Trading Comm’n v. Muller</u> , 570 F.2d 1296 (5th Cir. 1978)	112
<u>Cooper Square Realty, Inc. v. Building Link, LLC</u> , 2010 N.Y. Slip Op. 30197U (Sup. Ct. N.Y. Cty. Jan. 28, 2010).....	112
<u>ExxonMobil Inter-Am. v. Advanced Info. Eng’g Servs. Inc.</u> , 328 F. Supp. 2d 443 (S.D.N.Y. 2004).....	106-107
<u>First Am. Tit. Ins. Co. of NY v. Ankari</u> , 2008 Slip Op 51092U (Sup. Ct. N.Y. Cty. May 30, 2008).....	128
<u>First Nat’l Bank of Dansville v. Highland Hardwoods</u> , 471 NYS.2d 360 (3rd Dep’t 1983).....	121
<u>Ford Motor Credit Co. v. Hickey Ford Sales Inc.</u> , 62 N.Y.2d 291 (1984).....	121
<u>Four Times Square Assoc., L.L.C. v. Cigna Investments, Inc.</u> , 764 N.Y.S.2d 1 (1st Dep’t 2003).....	116
<u>Gaidon v. Guardian Life Ins. Co. of Am.</u> , 94 N.Y.2d 330 (1999).....	
<u>Genesco Entm’t v. Koch</u> , 593 F. Supp. 743, (S.D.N.Y. 1984).....	
<u>Goshen v. Mut. Life. Ins. Co. of N.Y.</u> , 98 N.Y.2d 314 (2002).....	25-26, 103, 105, 111
<u>Horn’s Inc. v. Sanofi Beaute Inc.</u> , 963 F. Supp. 318 (S.D.N.Y. 1997).....	25
<u>In re CIT Group/Commercial Services, Inc., v. 160-09 Jamaica Avenue Limited Partnership et al.</u> , 808 N.Y.S.2d 187 (1st Dep’t 2006).....	128
<u>Kreisler Borg Florman Gen. Constr. Co., Inc. v. Tower 56, LLC</u> , 872 N.Y.S.2d 469 (3rd Dep’t 2009).....	123
<u>Lum v. New Century Mortg. Corp.</u> , 19 A.D.3d 558 (2d Dep’t 2005).....	108
<u>Ma v. Lien</u> , 198 A.D.2d 186 (1st Dep’t 1993).....	117
<u>Marcus v. Jewish Nat’l Fund</u> , 158 A.D.2d 101 (1st Dep’t 1990).....	25, 102, 112-115
<u>Marine Midland Bank v. Murkoff</u> , 508 N.Y.S.2d 17 (2nd Dep’t 1986)	25, 102, 123
<u>Mineola Ford Sales Ltd. v. Rapp</u> , 661 N.Y.S.2d 281 (2d Dep’t 1997)	125

<u>Morrissey v. Nextel Partners, Inc.</u> , No. 3194-06, 2009 N.Y. Slip Op. 50260U (Sup. Ct. Albany Cty. Feb. 19, 2009)	105
<u>Ng v. HSBC Mortg. Corp.</u> , No. 07 Civ. 5434, 2009 U.S. Dist. LEXIS 125711 (E.D.N.Y. Dec. 15, 2009)	106
<u>Nobu Next Door LLC v. Fine Arts Hous., Inc.</u> , 4 N.Y.3d 839 (2005).....	103
<u>Oswego Laborers' Local 214 Pension Fund v. Marine Midland Bank</u> , 85 N.Y.2d 20 (1995).....	25, 102, 106, 108
<u>People v. Bennett</u> , 277 N.Y. 368 (1938).....	112
<u>People v. Lipsitz</u> , 663 N.Y.S.2d 468 (Sup. Ct. N.Y. Cty. 1997)	109
<u>People v. P.U. Travel</u> , 2003 N.Y. Misc. LEXIS 2010 (Sup. Ct. NY Cty. June 19, 2003).....	104
<u>People v. Romero</u> , 91 N.Y.2d 750 (1998)	112
<u>Rodriguez v. Lunch</u> , No. 07 Civ. 9227 (SHS) (KNF), 2010 U.S. Dist. LEXIS 16622 (S.D.N.Y. Feb. 23, 2010).....	109
<u>Securitron Magnalock Corp. v. Schnabolk</u> , 65 F.3d 256 (2d Cir 1995).....	106
<u>Small v. Lorrillard Tobacco Co.</u> , 94 N.Y.2d 43 (1999).....	105
<u>Sokoloff v. Town Sports Int'l, Inc.</u> , 6 A.D.3d 185 (1st Dep't 2004).....	110
<u>Southeast Chrysler-Plymouth, Inc. v. Pieroni</u> , 465 N.Y.S.2d 626 (4th Dep't 1993).....	125
<u>State v. Colo. St. Christian College of the Church of the Inner Power</u> , 346 N.Y.S.2d 482 (Sup. Ct. N.Y. Cty. 1973)	112
<u>Stutman v. Chem. Bank</u> , 95 N.Y.2d 24 (2000).....	105
<u>Wall Street Associates v. Edward Brodsky et al.</u> , 684 N.Y.S.2d 244 (1st Dep't 1999).....	128

Statutes

18 U.S.C § 1001	62
18 U.S.C § 241-242.....	9, 70
28 U.S.C § 3	31, 89
28 U.S.C 1443	(1) (2)

28 U.S.C 1446 (e)	31
28 U.S.C § 1652.....	9
28 U.S.C § 2443.....	88, 117, 119, 126, 128
42 U.S.C § 1971.....	31
42 U.S.C § 1981.....	7, 31
42 U.S.C § 1983.....	128
100 U.S.C § 303, 313, 339, 343-347.....	8, 47, 90
365 U.S.C § 167-192.....	7, 8, 27-29, 60-61
1957 Act § 131 (c)	30, 40
1964 Act § 201-203.....	7, 33 39-40, 67, 69, 117, 118, 119
1694 Act § 384.....	47-48, 89
C.P.L § 170.15 (3).....	63
C.P.L.R. § 6201.....	7, 120
C.P.L.R. § 6201(3).....	121, 122
C.P.L.R. § 6210.....	120
C.P.L.R. § 6211.....	120
C.P.L.R. § 6212.....	120
C.P.L.R. § 6212(a).....	120
C.P.L.R. § 6214(b).....	120
C.P.L.R. § 6301.....	7, 110, 112
C.P.L.R. § 6313.....	7
N.Y. Gen. Bus. L. § 349(h).....	114, 115, 111
N.Y. Gen. Bus. L. § 350-e	102, 114, 115
N.Y. Gen. Bus. L. § 349	18, 23, 24, 101-108, 115, 119, 128
N.Y. Gen. Bus. L. § 350	7, 18, 24, 102-104, 111-119, 128

Plaintiff, Gertrude Jean Pierre respectfully submit this Memorandum of Law in support of application for a temporary restraining order, pursuant to New York Civil Practice Law and Rule (“C.P.L.R.”) § 6313, pending a decision on motions (8/16/13 by Steven A. Hoffner (exhibit 1), 9/11/13 by Gertrude Jean Pierre (exhibit 2) N.Y. CPL. LAW § 210.40 : NY Code - Section 210.40: Motion to dismiss all charges; in furtherance of justice, 11/9/14 by Craig McElwee (exhibit 3) pursuant to sect 170.30 (1)(g) and 170.40 (1).) made on behalf of plaintiff now that Judge Tricia Ferrell has ruled that in reference to this case enforcing the fingerprinting order is inconsequential for it is a matter of discretion and that this case does not requires it and motion dated 5/15/15 objecting to order of psychiatric evaluation (b/c the motive is to defame plaintiff and to cause harm to plaintiff i.e. destroy her brain”_which no monetary compensation can cure” to stop her from defending her rights so to avoid punishing those who have scammed her and wrongfully accuse her-for they are of the system.) for: (1) a preliminary injunction, pursuant to federal injunctive relief of **Civil Rights Act of 1964**, , C.P.L.R. §§ 6301-6330 et seq., 6313 temporary restraining order, 6201-6226 order of attachment (motive of the accusation is to bring bankruptcy and to make me vulnerable to incarceration) and General Business law §§ 342, 349-350 enjoining Defendants’ (Nassau District Attorney’s office and James Bouklas) deceptive conducts described in Plaintiff’s Order to Show Cause (exhibit 4) dated 4/24/14 to which NO ANSWER was given. Plaintiffs further submit this Memorandum of Law in support of various motions made for the dismissal of case #2013NA018938 expedited dismissal, pursuant to **28 U.S code S 1443**, **42 U.S.C** § 1981, **42 U.S.C** §1985(3) , **42 U.S.C** §1983 (R.S § 1979) see *Monroe v. Pape*, 365 U.S. 167-192 (1961).The Constitution of the United States when they are assailed by any State law or under color of any State law, and it is merely carrying out

the principles of the civil rights bill, which has since become a part of the Constitution, - viz., the Fourteenth Amendment. Its purpose is plain from the title of the legislation, "An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes." 17 Stat. 13. Allegation of facts constituting a deprivation under color of state authority of a right guaranteed by the Fourteenth Amendment satisfies to that extent the requirement of R.S. § 1979. *See Douglas v. Jeannette*, 319 U. S. 157, 319 U. S. 161-162. For the guarantee against unreasonable searches and seizures contained in the Fourth Amendment has been made applicable to the States by reason of the Due Process Clause of the Fourteenth Amendment. *Wolf v. Colorado*, 338 U. S. 25; *Elkins v. United States*, 364 U. S. 206, 364 U. S. 213. There can be no doubt, at least since *Ex Parte Virginia*, 100 U. S. 339, 100 U. S. 346-347, that Congress has the power to (Page 365 U. S. 172) enforce provisions of the Fourteenth Amendment against those who carry a badge of authority of a State and represent it in some capacity, whether they act in accordance with their authority or misuse it. *See Home Tel. & Tel. Co. v. Los Angeles*, 227 U. S. 278, 227 U. S. 287-296. The question with which we now deal is the narrower one of whether Congress, in enacting § 1979, meant to give a remedy to parties deprived of constitutional rights, privileges and immunities by an official's abuse of his position. *Cf. Williams v. United States*, 341 U. S. 97; *Screws v. United States*, 325 U. S. 91; *United States v. Classic*, 313 U. S. 299. It was concluded that it did so intend.

RESERVATION OF RIGHTS DUE TO FRAUD

Plaintiff explicitly reserves her fundamental rights to amend this and all subsequent pleadings, should future events and/or discoveries prove that she has failed adequately to comprehend the

full extent of the damage(s) which she has suffered at the hands of the defendant (complainant), the state court and other involved parties, both named and unnamed, now and at all times in the future. See Rules 8, 15, and 18 of the federal Rules of Civil Procedure.

FEDERAL QUESTION

Isn't it criminal and unlawful for Nassau County Government (judges, employees of the courts, the Das office and ministers of the law aka officers of the court "lawyers" to trample under feet my constitutional right to legal defense so as to protect one of their own who has filed false testimony against me with the intention of causing me bankruptcy and to cause false incarceration to obtain the satisfaction of enslaving me?

PRELIMINARY STATEMENT

Plaintiff specifically complains on matter which go to related federal questions, such as federal criminal jurisdiction within the several state of the Union, and the denial or the inability to enforce, in the courts of a State, one or more rights under any law providing for the equal rights of citizens of the United States, or of all persons within the jurisdiction thereof, to-wit: complains of various systematic and premeditated deprivations, intrusions and violations of fundamental rights guaranteed by the U.S. Constitution, by the Constitution of the State of New and by federal law, and which deprivations are criminal violations of 18 U.S.C § 241 and 242. See also 28 U.S.C. § 1652. The more detailing federal question is, am I a second class citizen subject to deliberate killing and fraudulent acts by Nassau government employees and its officer

as well as its officers of the court because I am naturalized and having been born in Haiti-a poor third world country? Is there a codified unwritten and non-verbal constitution by which first generation citizens of the United States are treated by? There's a group of assassins on long island who have tie and are of the government and they have stolen from me, filed false report, changed court's record, abducted me from my home, threw me in jail and have cornered me not to have any legal defense. To justify their actions they are trying to have me labelled crazy. They falsified hospital record to give reason for their actions and they are looking to cause me physical harm to create evidence that I am crazy so to justify their heinous crimes against me. They take turn attacking me and I am in a constant battle to remain alive and that is reducing my longevity. Their motive is money... they are Judges like Tricia Ferrell, William O'Brien, Julianne Bonomo and Lee Genser -prosecutor, Thomas Liotti and Craig McElwee, lawyer and a big number of them (which include court employees). The corruption goes all the way to the top of the Nassau District Attorney's office involving Kathleen Rice and Madeline Singas on a quest to render me mentally incapacitated to cover up terror I endured by their hands, false imprisonment, oppression, exploitation, injustice and now the threat of confinement to be sodomized by lethal injection to render me mentally incapacitated. They are seeking to deprive me of my right to work and if I don't let them they are plotting to throw me in jail for the rest my life under a bogus, vagrant and unconstitutional charge. They are practicing slavery and I am a prey. They have power, access and control of the criminal system. They are at 99 main street, Hempstead, NY 11550. Either I let them deprive me of my rights or they will sodomize me with lethal injection.

The state court has deliberately perpetrated discrimination and prejudice as well violated my rights to justice resulting in violations of my equal protection and due process rights. That

lawyers who created the case for a profit and other lawyers and judges in particular Nassau District Attorney's office in the case have abused their positions and violated the Constitutional rights of plaintiff by subjecting her to never ending court conferences in the hope that she'll give up fighting and run out of money and by threatening her and trying to intimidate me at court conferences to give up my rights. A violation of my rights to due process and equal protection (14th amendment) by depriving her of a succinct hearing. Further, the state proceedings have consistently demonstrated themselves to be willfully, intentionally, and knowingly in violation of both state and federal law and the U.S. Constitution by ignoring plaintiff's defense, by changing the charge to achieve their vendetta, by order plaintiff to self-mutilation (psych evaluation as a pretense to cause physical damage to plaintiff's body) to render me incapacitated.

Nassau County constituents mentioned within (the lawyers who put the charge, the lawyers I have hired to protect my rights, Lee Genser and Julianne Bonomo of the NDA' office and judges put on the case) are deliberately and secretly in a conspiracy that has and is violating my constitutional rights. I am afraid for my life, wellbeing and freedom. They are out to cause me physical and mental harm. I am currently in a state of oppression living in extreme fear as Thomas Liotti, Julianne Bonomo and Tricia Ferrell are looking to destroy my brain with the intention to cause me permanent injury not visible by eyes to eventually kill me. They do not want me to fight to protect my right so they decided I am crazy (Judge Tricia Ferrell ordered a psych evaluation with open order to hospitalize me) and thereby giving them reason to have access to my body in order to hurt me. This case should have ended long ago because of remedy available (which I have pointed out within but it is a vendetta. They won't stop until they terminate me). It is imperative that a temporary restraining order be issued to stop the

prosecution (the charges are vague and unconstitutional and I am wrongfully accused.) until the court sets a hearing date for the preliminary injunction at the earliest possible time.

I went looking for help and I am captured into and for involuntary servitude (I am working to spend my money to hire lawyers "so far I have spent \$11,000.00." and my freedom and health are jeopardy) by the criminal system. I am at risk, endangered and I had never perceived myself as being vulnerable to scams, fraud, violence, abuse and deprivation of rights by Nassau County. My national origin makes me a prey. I have fallen victim of racial inequality through deprivation under color of state authority forcing me to enjoin defendants' activities to protect myself from future injury. I ran into a great evil. That evil is the Nassau County Criminal system. A group of lawyers (James Bouklas, Robert Zufflack, Richard Reisch and Mark Gaylor) put me in it to defraud me of my resources because they believe I have no one and therefor a prey (no next of kin –see the vdf –voluntary disclosure form, this charge can only be removed by the court, put the bail high she has one). To the judges and the Nassau Das office, I am also a prey for they are keeping me and entrapping me into the criminal system. The reason I'm in it is because my race and national origin make me a target, just like it was once said, a good Indian is a dead Indian and to me it was said by Robert Zufflack "go get arrested I am a criminal lawyer I can defend". That is the beginning of the attack upon my life and freedom which is ongoing. The system is not administering justice but is an organized crime organization where lawyers give evil counsel and defraud me of my money without defending me. Judges act wrongfully because they accept bribes and are doing favors and for pecuniary reasons because a bad order or a conviction is profitable to them. Albeit, I am afraid of the jury system as is a farce being manipulated by judges misdirecting and overloading the jury with other things than the crime the defendant is accused of and is on trial for just to get a conviction (see jurors reported

on live T.V. story of recently tried case of Former New England Patriots player Aaron Hernandez has been found guilty of first-degree murder and sentenced to life in prison without the possibility of parole. Hernandez, 25, was charged with killing Odin Lloyd, 27, on June 17, 2013. All 12 jurors said the judge told them to convict because Anderson have done other crimes (possibility without showing evidence to them) than what he is being tried for-murder). The Das office filed charges without an investigation and as I fight the charge, the Das office changes the charge and increases the penalty regardless of facts to obtain a win with the sole intention to defraud me of my freedom making me a slave for a profit. When you hear of police brutality and civilian dying in police custody, and when you hear of innocent being wrongfully convicted these things are not error, (I was arrested without a warrant, there was no investigation, I was not miranderized, I was not given a phone call to access a lawyer, I was told I would remain locked up without seeing a judge, I was not allowed to see a judge until 11 hours from screaming to the of my longue that I was told I would not see a judge, I saw a legal aid a few seconds before appearing before the judge, my lawyers refuse to argue the false arrest just to protect the perpetrators, there's an attempt to declare me mentally incapacitated) they are crimes intended, carried out, covered up and known to the entire criminal system organization to happen are kept hidden by a great number of government employees with their own agendas to devour and to destroy for profit and or for a thrill, minorities, people of third world origin, women, the poor, these are vulnerable people unbeknown to them are endangered until they are suddenly caught and trap in the system with the one and only objective to kill them by all means whether it is immediate death or a slow death but an earlier death than the time God had planned for them.

I was being scammed at the auto repair shop. I hired James Bouklas to solve that problem. The problem never got solved and James Bouklas created a means by which to exploit me (filing a

false statement) of my resources and my life by throwing me into the criminal system. From this action, every lawyer, I've hired to resolve the problem James Bouklas created all of them come in exploit me some more and dug a deeper whole and put me in it. The Das office is not being an arm length of the government. The lawyers I've hired to defend have not done so because they are in collusion with the complainant and the Das office as well as having their own agenda to remain and not to offend anyone of them who are part of the klan in Nassau County. I have researched the law and have defended myself. When the Das' office saw that I set myself free of the charge, the Das office charged me with a greater charge. The court for its own pecuniary reasons also wants me in the system and even accused me (by sending me for psychiatric evaluation) in order to keep me in the system so to devour and to conquer leaving me to die and all premeditated, under false pretense where the system is being used as weapon instead of a remedy. The treatment I received is the same described to have happened to the Indians who once occupied this land and the blacks who had been enslaved for centuries in this land. So the ideology of the American dream and the acceptable concept of the land of the free, America a democratic country is nothing more than a lie to trap whoever migrate here (belonging to a minority group) with the hope to make a better life for themselves but are suddenly stricken, devoured and conquered without notice and it be known.

Attorney General Eric Schneiderman office, governor Cuomo's office, Mayor D'Blasio's office, the inspector general office, the NAACP, the Haitian embassy and consulate's office, senator John L. Sampson, Acting Nassau District Attorney-Madeline Singas, the National Action Network, Inc., New York State Division of Human Rights, United Nations, Congress of the United States Ms. Yvette D. Clarke and DHS Office. All of whom I have ccs and made aware of the abuse and criminal activities being impeded against me through the system and it is of no

avail. Their silence is a speediest blow and it screams out loud “die already”. Supposedly, I am a United States Citizen according to a piece of paper, however, I was born in Haiti and I came here in 1989 in my late teens. I am 43 years old. I have a masters’ degree. I have a full time job where I am the top producer in what I do. I own a 2009 Toyota Camry which I bought new and now I own outright. Ironically, when I bought that car my thought was that if I have a new car mechanics won’t be able to lie to me about making unnecessary repairs. Not only have I paid for unnecessary repairs, I am being exploited due to fault of mechanics by lawyers whom I ran to for help about scams and vandalism against my vehicle. These lawyers that I ran to told me that “I should go and get arrested, he (Robert Zufflack) is a criminal lawyer, and he can defend me.” Because the work “scams and vandalism being perpetrated at the mechanic shop.” would not bring sufficient revenue to them. This malicious advice caused me to cancel the contract I had made with them. These lawyers withheld the refund check which I was told would be mail to me. About two weeks went by and I did not receive the check. On 7/8/13 I swung by to pick up the check. Upon my arrival there they denied it, called the cops and filed charges. I was not there when the cops arrived. 41 days later there was an attempt to abduct me upon entering my place of residence which turned into an arrest.

Now I am in court and its two months away from being two years. I am fighting a greater evil then the ones before unexpectedly. I have retained 5 lawyers all of whom I have fired because they are in plot against me with the lawyers who brought the charge and the Das office. The Das office had planned to cause me physical harm (see entry in court file – exhibit 5) had I had gone to get fingerprinted. The Das office ignored an appeal (exhibit 6) I file against fingerprinting which I argued was made null because the original charge is bogus and unconstitutional. Upon the appeal being denied because of no response from the Das office, Lee Genser on 5/19/14 (see

new charge as of that date 5/19/14 – exhibit 7) though in possession of two dismissal motions, one by my lawyer Steven Hoffner and one by me with evidence showing that the entire dispute is about legitimate business matter went on to file charge 240.30.2 (almost 1 year later) to entrap me within the criminal system where he and the Das office have failed to substantiate that I (defendant) have made threat and whereas the original complaint remains the same. No proof of threat is evident just the original lie which the court has yet to administer an oath to the accuser as I have requested.

Furthermore, the judge first judge who was on the case had ordered the fingerprinting to move me along the system when he had no understanding of what the charge was about (see transcript date 10/17/13 – exhibit 8). He allowed Lee Genser to file charge 240.30.2 without evidence and when he was taken off the case he left instruction for the next judge to allow the DA to cause me harm.

Judge Tricia Ferrell was the next judge in the first conference when I filed a motion under 28 U.S. 1443. She made reference to errors in the court file. The next conference she threw me out of court and issued a denial via mailing of the motion. The last court date she ruled enforcing the fingerprint in this case is baseless but ordered a psychiatric evaluation where the intention is to destroy my brain whereas the right and next course of action was to consider the 3 open motions for dismissal of the matter which was never taken into consideration because of the fingerprinting. They are looking to incapacitate me for their motive is to criminalize me, to make me their prisoner for profit making purposes and involuntary servitude. I am not treated by them as a citizen but I am treated as a captured animal/slave into involuntary servitude.

Nassau county government is not acting as an arm length of the state and is instead predispose to criminality because of my national origin, their dealing with me is with violence, barbaric behavior, lies, entrapment which I am afraid will only amount to death and or disability. I am afraid for my life, health, safety and freedom. My experience with them in the past two years brings me to understand that they have one aim and that is to destroy me and like an ant crush me. They have taken turns in attacking and plotting against me. There's been a total of 5 different Das on the case. 5 different lawyers to represent me and 2 different judges. I believe they are waiting for me to give up and when I do they will devour me. It is not about justice but about criminality. They are exhausting me through exploitation and fraud and the game is to wait so that they can devour me that's why the law is not the understanding of the language in which it is written in but manipulation and misinterpretation to make it what they want it to mean and with respect to me it means no defense, no amount of money can get me justice and that now I am captured, I am to be exploited, defrauded, tortured, be subjected to involuntary servitude, have my brain destroyed and then killed because I am a nuisance. The Klan is practicing Jim Crow law in Nassau County.

When I found out the reason of this prosecution I thought I have nothing to worry about because I can prove that I had legitimate business with that firm. That I went there to pick up a refund check during business hours. That my demand was about that check in particular and that all contact ended with that firm the moment I had gotten a second promise for the return of the check and that all should be well soon. I've been proven wrong and that it was about entrapping me to capture me for involuntary servitude because of my skin color and my national origin, I am a target for food, money making and a thrill to kill and by the hands of government employees the last variable in the factor.

complainant deceptive (making a false statement and misinforming me that I would be receiving a refund when their intention was to cause me harm –getting me arrested) acts and practices are squarely prohibited by Sections 349 and 350 of the New York General Business Law (“GBL”), both of which expressly empower Plaintiff to seek this preliminary injunction enjoining Defendants’ deceptive conduct.

FACTS OF THE CASE

On August 19, 2013, I was cornered and ambushed by four white men (over 200lbs each) who attacked me as I was entering the building of my apartment. They grabbed me without explanation, handcuffed me and were trying to shove me into a black car. One of them told the other to break my leg to get her into the car. He did try, but I cried out for help for people to call 911 (P.O.. Guillaume from 107 precinct responded to the call) got marked police car to come to me rescue and to identify the perpetrators. When the marked police car got there they found out they belong to the police department. I was under arrest and it is a man whose name is James Bouklas who filed false statement against me with the police stating that I threaten to kill his wife. I don’t know his wife and don’t know where he and his live. As a matter of fact besides knowing that James Bouklas works in the office of Richard Reisch in Carle Place, I know nothing about this man nor his wife. James Bouklas is one of two lawyers Robert Zufflack told her to work with to deal with the fact that Advantage Toyota took my money and did not perform the work I paid them for and resulted in more expenses. For that I changed my mind (because of a statement made to me by Robert Zufflack “go get arrested, I am a criminal lawyer I

can defend you.) about retaining the James Bouklas from the office of Richard Reisch and James Bouklas promised me that a refund check of the money I had given him will be put in the mail for me. After two weeks waiting, I did not get the refund check, I went to that office to collect the refund, he told me then I will not be getting the money to get out of his office and that he is going to get me arrested.

I. **Factual Background**

Though they knew where I live (my home address is not publicized, I use a P.O. Box for all my correspondence) they did not have a warrant in their hands with marked cars and they did not identify themselves to me and ask me to come and answer to a charge (what the charge is and whom it involves). They cornered me at about 12:00 O'clock a.m. Better yet they could have subpoena me or notify me in the mail of the charge and not come to my home at quarter to twelve in the morning not in uniform and jumped at me to shove me into a car (I believed they had the intention of abduct me from my home and kill me because about 7 minutes as I was crying out for my neighbors to call 911 P.O. Carlson told P.O.. Gibson to put on the flashing lights.) That is the act of criminals. When I got to the precinct I told them that I want my phone call and I will remain silent and that I need to know what I did. They never gave me my phone call, I was in handcuff with both of my hands behind me the majority of the time. At about 5:00am. When they were taking me to emergency psych ward, on the way out one of them in white shirt called out go take your med, as we got on the first floor another one in black shirt said get out of Nassau. They were taking me to the psych ward to have me committed there so that they could cause me physical and mental harm through injections. While in the car, I asked

again why is it they attacked me they threw in the name of James Bouklas. I Said "James Bouklas", "James Bouklas", I also told them while in the car they did not read me my Miranda rights. Carlson said "s—t I forgot" and he said "we don't read anyone their Miranda rights anyway." When they got to the Emergency psych ward, they told the people "she is a fit". I believe I got lucky that night their accomplice was not working and the psychiatric doctor in charge did not admit me (one thing I noticed every patient in that emergency department was a black person and they were all drugged up) And P.O. Officer Carlson tried vehemently to have the doctor take me in. When that failed P.O... Carlson and Gibson took me to a detention center that was not too far from the courthouse where I was taken in the morning where I remained in handcuff with my hands tied behind me. When I was in pain and needing to go the bathroom because I had a full bladder and I started to menstruate, I cried out for help and P.O. Carlson came toward me and said you are in jail and you are supposed to be in pain. I cried all the more and he sent a Haitian police officer asking me to take my fingerprint. I told him that I need a lawyer and I told him that I need to go to the bathroom. He told me one of the female officer will come. Half an hour went by and I am still crying and needing bathroom another P.O. came and told me someone will take me upstairs to the bathroom. After another half an hour went by a white woman P.O. came and told me she is taking me to the bathroom. Where she was directing me is not where the other P.O. said the bathroom is. I told her that but she told me yeah I am taking you to the back to the bathroom and I told her I don't want to go. She removed the chain that was hooked into the handcuff and told me to move. We walked to the back and she pointed to a toilet in a cell. There was no paper there and I asked for a feminine pad one was never given to me. And she went out of the cell and locked the gate. She came back into the cell and told me to give her all my clothes and shoes. She took them and threw them outside on the floor of the

door cell (where they remain until it was time to go before the judge). She asked me for my bras and I did not give it to her. She took my hands and handcuffed me to the bar of the door cell and opened the window facing the street. I remained in that position until I was taken to the judge at 4:00p.m in the afternoon. That woman at about 10:00 a.m. in the morning took all the other women who was in other cells to see the judge and told me “you, you are not going to see the judge today.” So from that time until 4p.m. I did not stop calling out for help stating that I have not seen the judge and that I was denied a phone call and I said to call Michael Hardy (he is the lawyer who work with Al Sharpton) to tell him that I am here. When I got before the judge, I was asked whether or not I know who James Bouklas is. I was asked about how much I make and was told to get a lawyer at my expense and I was given an order of protection and I was told I could go home and was given a return court date. It is now I understand that I’ve been charged with an A misdemeanor facing one year in jail and ordered to spend my life savings to defend myself. Section 1985(3) was vindicated in Griffin v. Breckenridge, when the Court decided that section 1985(3) did provide a remedy for damages caused by private conspiracies that did not operate under color of state law. The Griffin court set out these elements to guide judges in determining whether a complaint stated a cause of action under section 1985(3):

To come within the legislation a complaint must allege that the defendants did

(1) 'Conspire or go in disguise on the highway or on the premises of another'

(2) 'For the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws.'

It must then assert that one or more of the conspirators (3) did, or caused to be done, 'any act in furtherance of the object of [the] conspiracy,' whereby another was (4a)'injured in his person or

property' or (4b) 'deprived of having and exercising any right or privilege of a citizen of the United States.

A. Breaking The Promise of a Refund-False Statements

To give because for an arrest, he said I threaten to kill his wife, where is the prosecutor's prove that I did make that threat? Me within 10 minutes from entering this man's office I have record that he threaten to have me arrested. So this is how he conducts business, take customer's money and get them arrested by making false statement.

I am 100% confident that there is no tape nor ears that heard me said I will kill James Bouklas' wife because I did not speak of the word kill. When I called I had one intention to obtain what I was told would be mail to me and was the demand that I made because it was is was mine 100% (\$300) and no service was rendered for it. Though it was mine all I did was demanding it and proof of that is in the tape I gave to Laura Sarowitz and in the email I wrote the office of Richard Reisch on 7/9/13. My intention was only civil and constitutional because I had a legitimate reason to call that office. James Bouklas broke the promise to a refund to cause me to be assaulted, Richard Reisch refused to honor the promise James Bouklas made of the check being put in the mail despite the fact that performance to the contract did not start and opted to lie by stating that performance began. I believe I had every right to seek the refund based on James Bouklas' promise concerning this matter. I stopped by to pick up the check only to be denied a refund and to be criminally charged for looking for it. see to the tape recorder transcript, e.g., "Richard Reisch" — the man responsible for refunds — that "he is the one who decided not to mail me the refund check that James Bouklas had already told me would be put in the mail" and though he had made that decision after I was told a check would be mail to me, I was not inform that he overruled James Bouklas decision and that he decided to have me arrested for my money

and thereby enslaving me through the criminal system to defraud me of my life, property, happiness and freedom even after they had eventually gave me the check that was originally promised whence I had moved on.

In New York, General Business law section 349 (NYC GBL Sec. 349) bars deceptive business practices in the conduct of any business, trade or commerce. The law empowers consumers and gives them an even playing field in their disputes with business that are generally in a superior position. According to the court of Appeals of New York, the highest court in the state, NY GBL 349 has three elements: 1) the act or practice was consumer oriented; 2) the act or practice was misleading in a material respect; and 3) that I was injured as a result of the deceptive act or practice in so doing proof of intentional misleading me is not even required for they have caused me harm by being wrongfully arrested, caused me to incur attorney fees and expense cost over \$11,000 where intent is to bring me bankruptcy and to incarcerate me, a criminal charge pending against me and collusion with attorney I have hired to block my defense.

“the named individuals herein (James Bouklas, Richard Reisch, Robert Zufflack and Mark Gaylor) their business name is Richard Reisch, Esq., all of whom are lawyers who ‘s office at one time was located at 1 old country road suite PL09, Carle place, NY 11514 at exception of Robert Zufflack who still remain there. James Bouklas and Mark Gaylor’s office is now located at 400 Jericho Turnpike, Suite 226, Jericho, NY 11753 and Richard Reisch is deceased as of early 2014. These men charge a fee for advice and representation. James Bouklas, PO Edward L Carlson (*P.O... Carlson in particular, asked me for my social security# when I was in the precinct, I did not answer him and he searched my purse and took my social security card, my passport and my wallet. He published the arrest online and corresponding to any background check performed on me. They came at midnight to attack me so they steal my information*

instead of going through a formal way such as obtaining a warrant, issue a DAT, or even getting me subpoena. They took me as I was entering my home like an animal with the intention to murder me as I screamed for help they threw me into the legal system and publish it so that I never get to make a living again thus defrauding me financially) Sgt James Brown and PO M. Throo (serial # 912) certified that I said “I placed a curse on you, I hope your wife dies, may your life be killed, I hope your wife is killed” is a lied. I have never said that. It is their way of conspiring against me to defraud me of my resources. From its inception, Section 349 of New York’s General Business Law (“GBL”) was intended as a broad and powerful safeguard of consumer rights. Oswego Laborers’ Local 214 Pension Fund v. Marine Midland Bank, 85 N.Y.2d 20, 25 (1995). In 1980, the state legislature expanded the statute’s reach even further, creating a private right to action and empowering consumers to patrol the marketplace as “private attorneys general.” See Marcus v. Jewish Nat’l Fund, 158 A.D.2d 101, 107-08 (1st Dep’t 1990) (Kupferman, J., dissenting) (“[T]he Attorney General of the State of New York is empowered to protect the public in the event there is any deception [by defendant]... [P]laintiff cannot, as private attorneys general, engage in an enforcement venture *except pursuant to General Business Law § 349(h). . . .*”) (emphasis added); see also Blue Cross & Blue Shield of New Jersey, Inc. v. Philip Morris USA Inc., 3 N.Y.3d 200, 205 (2004) (“The amendment was intended to afford additional protection for consumers, allowing them to bring suit on their own behalf without relying on the Attorney General for enforcement.”); see also Horn’s Inc. v. Sanofi Beaute Inc., 963 F. Supp. 318, 328 (S.D.N.Y. 1997). The statute protects a sweeping range of injured consumers, so long as they can demonstrate that their injury arose from a transaction in New York. See Goshen v. Mut. Life. Ins. Co. of N.Y., 98 N.Y.2d 314, 325 (2002). The

same principles apply to Section 350 of the GBL, which similarly protects consumers from false advertising. Goshen, 98 N.Y.2d at 324 n.1.

As an effort to understand why a lawyer I went to for advise and help along with the fact that police officers in the town would certify a lie, I started to research Nassau County and what I have found out is alarming and the best source in <http://data.newsday.com/crime/police-misconduct/>. Police officers together with criminal lawyers to create revenues for themselves are filing false report to entrap the public in the system. They have violated section 210.45 of the penal law, which is punishable as a class A misdemeanor. During my consultation with them, Robert Zufflack told me to “go get arrested and that he is a criminal lawyer. He can represent me.” I did not ask for that advice and I did not welcome it. He wanted to make money off of me. I had pay them to represent me in a matter against Advantage Toyota which is located in valley stream. That business in particular was also ripping me off. So that is why I went to Robert Zufflack for help but instead his intention and that of the other three lawyers was to get more money out of me by misleading me and told me to go get arrested. I changed my mind about keeping them for the service that I hired them for and requested a refund. James Bouklas told me he will send me my refund in the mail. As they couldn't get money from me they decided to cause me harm (by getting me arrested) and thus withholding the refund they promised to send me and after two weeks of waiting for the check to come in the mail, I went to their office and upon my getting to their office to collect the check James Bouklas promised to send me in the mail which I did not receive, they called the cops against me and filed harassment charges against me and accused me of threatening to kill James Bouklas' wife. A woman I don't know, I've never met, I don't know where she lives and I have no clue about. Because I did not

let them rip me off (rob me), they have plotted to cause me harm (assaulting me and plotting to throw me in jail and robbing me of my future income) by using the system to do it for them because I chose not to do business with them.

Their motive is greed festered by hatred toward women of national origin, ill will against black people and spite (access to the legal system). I have discovered in my business dealing with them their intentions are malicious, vindictive, destructive and costly.” conspiracies, wicked as the worst of felons could devise, have gone unwhipped of justice. Immunity is given to crime, and the records of the public tribunals are searched in vain for any evidence of effective redress *Page U. S. 175.*

B. Judging, Advising and prosecuting

According to the bar association, **lawyers** for both sides are also officers of the court. Their job is to represent their clients zealously, within the formal rules of the Code of Professional Conduct. The belief is that justice can best be achieved if each side's case is vigorously presented by competent legal counsel. Judges are put in a place of honor to decide cases if there's no jury and also to instruct the jury. The District attorney's office is a branch of the department of justice which was created under The United States Judiciary Act of 1789, Section 35 having for responsibility to investigate and to prosecute crimes. In Case# 2013nao18938 there was no investigation, no evidence has been given to the defendant in that matter but the prosecution is practicing genocide as is described next.

Peonage or the new slavery: Something more than a year ago the country was startled by the announcement that numerous indictments had been made in the Federal Court for the District of

Alabama, for the crime of peonage. The dictionary failed to disclose the exact nature of this novel offense, but the facts stated in the news dispatches, made it clear that human slavery, with its most revolting features, was openly practiced, under color of local law, and in violation of a Federal statute, in certain remote districts of the South. By conspiracy between the officers of the law-justices and constables, mostly white men of the baser sort-and heartless employees, all white men-ignorant and friendless Negroes were arrested on trumped up charges, fined to the full limit of harsh laws, sold at hard labor, worked under armed guards, cruelly flogged, and kept in this worse form of slavery long after the fines and costs imposed upon them had been worked out (source is was not recorded when copied). I am the victim of this evil, and declared Nassau County officers of the law-justices and the Das office where those in charge Kathleen Rice and Madeline Singas, mostly white men and heartless employees, make up that great evil and so I am looking to the Federal Government to deal adequately with it. As prescribed in much is made of the history of § 2 of the proposed legislation. As introduced, § 2 was very broad:

". . . if two or more persons shall, within the limits of any State, band, conspire, or combine together to do any act in violation of the rights, privileges, or immunities of any person, to which he is entitled under the Constitution and laws of the United States, which, committed within a place under the sole and exclusive jurisdiction of the United States, would, under any law of the United States then in force, constitute the crime of either murder, manslaughter, mayhem, robbery, assault and battery, perjury, subornation of perjury, criminal obstruction of legal process or resistance of officers in discharge of official duty, arson, or larceny, and if one or more of the parties to said conspiracy or combination shall do any act to effect the object thereof, all the parties to

or engaged in said conspiracy or combination, whether principals or accessories, shall be deemed guilty of a felony. . . ."

It was this provision that raised the greatest storm. It was § 2 that was rewritten so as to be, in the main, confined to conspiracies to interfere with a federal or state officer in the performance of his duties Page 365 U. S.180- 181. "Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law." Page 365 U. S. 184

Lawyers, the Das office and justices have put a charge under my name which I have been unable to remove with the remedies prescribed by the law as stated within and they are looking to sentence me to servitude, to exploit me by betraying my rights and to grind me in the interest of their own selfish greed.

The future occurrence of slavery is not that I lack development or am I unable able to defend myself for I have spent over \$11,000 and spent countless hours researching the law and using it in my defense but that oppression is foremost, by given no ears to my defense and inputting additional charges, my reporting of abuse, corruption and violence is taken with contempt, for there's no check and balance of the actions of employees appointed by the state to administer the law. After exhausting all remedy known to be available to address the abuse and criminal acts, just laws impartially administered to curb the greed of this evil has to come from intervention of the federal government as future irreparable injuries are imminent.

"The first section of this bill prohibits any invidious legislation by States against the rights or privileges of citizens of the United States. . . . that any State has passed any laws endangering the

rights or privileges of the colored people." 365 U. S. 173. "*Second*, it provided a remedy where state law was inadequate. That aspect of the legislation was summed up as follows by Senator Sherman of Ohio: "' . . . it is said the reason is that any offense may be committed upon a negro by a white man, and a negro cannot testify in any case against a white man, so that the only way by which any conviction can be had in Kentucky in those cases is in the United States courts, because the United States courts enforce the United States laws by which negroes may testify Page 365 U. S. 174. The third aim was to provide a federal remedy where the state remedy, though adequate in theory, was not available in practice. This Act of April 20, 1871, sometimes called "*the third force bill*," *was passed by a Congress that had the Klan "particularly in mind."*"

The question of the constitutional authority for the requisite legislation has been sufficiently discussed. . . . They only fail in efficiency when a man of known Union sentiments, white or black, invokes their aid. Then Justice closes the door of her temples." Page 365 U. S. 178. "This section gives to any person who may have been injured in any of his rights, privileges, or immunities of person or property a civil action for damages against the wrongdoer in the Federal courts. The offenses committed against him may be the common violations of the municipal law of his State. It may give rise to numerous vexations and outrageous prosecutions, inspired by mere mercenary considerations, prosecuted in a spirit of plunder, aided by the crimes of perjury and subornation of perjury, more reckless and dangerous to society than the alleged offenses out of which the cause of action may have arisen. It is a covert attempt to transfer another large portion of jurisdiction from the State tribunals, to which it of right belongs, to those of the United States. It is neither authorized nor expedient, and is not calculated to bring peace or order or domestic content and prosperity to the disturbed society of the South. The contrary will certainly

be its effect Page 365 U. S. 179. This is to be done upon the assumption that the courts of the southern States fail and refuse to do their duty in the punishment of offenders against the law." Constitution of the United States, to bring an action against the wrongdoer in the Federal courts, and that without any limit whatsoever as to the amount in controversy. The deprivation may be of the slightest conceivable character, the damages in the estimation of any sensible man may not be five dollars or even five cents; they may be what lawyers call merely nominal damages, and yet, by this section, jurisdiction of that civil action is given to the Federal courts instead of its being prosecuted as now in the courts of the States."

The debates were long and extensive. It is abundantly clear that one reason the legislation was passed was to afford a federal right in federal courts because, by reason of prejudice, passion, neglect, intolerance or otherwise, state laws might not be enforced and the claims of citizens to the enjoyment of rights, privileges, and immunities guaranteed by the Fourteenth Amendment might be denied by the state agencies.

Section 131(c) of the Act of September 9, 1957, 71 Stat. 634, 637, amended 42 U.S.C. § 1971 by adding a new subsection which provides that no person, "whether acting under color of law or otherwise," shall intimidate any other person in voting as he chooses for federal officials.

II. **BASIS AND THE GOOD CAUSE AS WELL AS THE REASON WHY DEFENDANT** calls on 28 U.S code S 1443 civil rights cases-as the benchmark on which the above charges are to be removed is that this law provides against violation of specific civil rights in term of racial equality and that it allows defendant to remove all charges on the breach of any of civil rights in

term of racial equality. Sect 1 of the 1866 Civil Rights Acts contained the following phrase "shall have the same rights enjoyed by whites....defendants petition is based upon laws that guaranteed rights are "stated in terms of racial equality." With reference to the invocation of on **U.S code S 1443 1 & 2** by defendant originally exacted, the civil rights acts of 1866 allows for removal either before trial or after trial. The Revised Statutes (1875) prescribed that removal be accomplished before trial on the basis of denials which occurred in the courts of the state.

U.S. Code sect. 1446 (e) a petitioner is allowed to file removal petition up to the time of the impaneling of the jury.

Furthermore, the act of 1866 stats that all united states citizens, of every race and color, without regard to any.....shall have the same right, in every state and territory in the United states, to make and **enforce contracts (the right to a refund peacefully)**, to sue, be parties, and give evidence, to inherit, purchase, lese, sell, hold and convey real and **personal property (see also 42 U.S. Code § 1981) (my fingerprint is personal property with economic value knowing I was exercising my rights and where I have not pleaded guilty to a crime and where a sample search can prove that I have no previous criminal record and where the law is not silent to the crime falsely imputed against, and where furthermore fingerprint is relative subjected to the judge's opinion as to whether a crime has been committed: the order for fingerprint has been made null)** and to full and equal benefit of all laws and proceedings for the security of the person and property, as is enjoyed by white citizens.....

Sect 3 of the 28.U.S. Code ...and be it further enacted, that the district courts of the United States....shall have
....cognizance....of all causes, civil and criminal, affecting persons who are denied and cannot enforce in the courts or judicial
tribunal of the state or locality where they may be any of the rights secured to them by the first section of this act; and if any
suit or prosecution,, civil or criminal has been or shall be commenced in any State court, against such person, for any cause
whatsoever,.....for any arrest or imprisonment,or **wrongs done or committed by virtue or under color of authority derived
from this act or the act establishing a Bureau for the relief of Freedmen and Refugees, would be inconsistent with this act,**
such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner
prescribed by the "Act relating to habeas corpus and regulating judicial proceedings in certain cases (in this case).

Defendant has submitted evidence that should have exonerated her of the charge but because
of racial inequality and corruption the Das office has confiscated the evidence, ignored her
evidence without evidence proving the statement and accusation made against her and
defendant having proving evidence that her actions involved legitimate business as well as
knowing that she was abducted into a system where an investigation never took place (The contract
to retain James Boukias was signed on 6/17/13. The arrest was on 8/19/13. Nassau crime report is dated 8/20/13 and voluntary disclosure
form is dated 2/21/14 are what Julianne Bonomo has included with her opposition as the investigation. Defendant made request for a
refund on 6/19/13. On 6/24/13 she confirmed that her decision is firm and was told that a check would be mail. From 6/25/13-7/7/13
defendant was waiting for the check to come in the mail. The Adjustor's report is dated 6/27/13. Complainant was terminated 2 days after
the contract was signed. Complainant never received the adjustor's report from defendant which he needed to start the claim against
advantage Toyota that is how we know complainant did not work for the \$300.) Because she was never questioned as
well as the fact that precedent case "State of New York v. Mangano" makes clear that the
charge is unconstitutional. Had defendant been questioned through a proper investigation the
Das office would have been made aware in reference to the business matter that matter was
settled when the accuser made the refund to defendant that she originally sought. The reason
there's a charge is that unlike whites who seek legal counsel for a legitimate matter and is
served without discriminated against defendant when she sought counsel via Robert Zufflack

through the office of Richard Reisch because of her race, national origin, color and the fact that her accent tells she is a foreigner she was advised to break the law (statement of Robert Zufflack to defendant " go get arrested, I am a criminal lawyer I can defend you."). Defendant perceived that as a racial attack and act of racism she demanded a refund and was told her check would be mailed to her. The DA's office intentional falsehood violates the civil rights acts of 1964: The right to give evidence.

JULIANNE BONOMO: Is the third DA on the case and she jumped into the case after the expiration of time to respond to motion for removal under U.S. 42 sect 1443. She is the person whose name is the author of the affidavit in opposition of the removal states that she is a District Attorney Law Assistant to the Hon Kathleen Rice also states that she is familiar with the fact of the case and the procedural history of the case, was not in the court conference on 3/24/15 which is the day she signed the opposition and the prosecutor who was in the court did not say Julianne Bonomo had the opposition to the removal because he the prosecutor in the court on 3/24/15 said to Hon Judge Tricia Ferrell that the prosecution had no opposition. She however, failed to stipulate on the face of the opposition the reason why her opposition is **untimely**. Let it be noted that defendant received such opposition on 3/27/15 three days after the Hon. Judge Tricia Ferrell marked the motion for removal submitted. Defendant therefore, ask the court to disregard the DA's opposition and to remove the charges noted above because answering opposition to motion is the business of the DA's office and the lack thereof only points to one motive **Bad Faith**.

A) JULIANNE BONOMO'S PROCEDURAL HISTORY OF THE CASE IS OF OMISSION OF MANY MOTIONS AND DOCUMENTS WHICH DEFENDANT HAS SUBMITTED TO THE COURT AND

THE DA'S OFFICE: Apparently, she left the following historical data out. This list is directly from the index that was submitted to the court on 2/5/15 as part of the motion for the removal of the charges. Though the DA's office has been informed that defendant had legitimate business with the office of Richard Reisch the DA is still pursuing a groundless charge because it is about winning every cases at any cost and without regard to defendant's rights even infringing against defendant's right for a win to prove that the DA is prosecuting every case only when it comes to minorities as such because my race, national origin, color and the fact that my accent tells I am a foreigner I have been confronted with terror, violence, denial of rights and even racketeering (manipulation and falsification of documents) to trap me into the criminal system for a profit. Also had Julianne been familiar with the case she should have known I had a psychological evaluation the day I was removed from my home. That day I saw a true doctor. As I spent time struggling for my life that caused their accomplice shift in the hospital to end. Though they introduced me as "she is a fit" the password was not understood so I saw a true doctor and he told P.O. Carson and Gibson the two assassins who took me there to have me harm that she is fine. You had to see the rage in their faces when he told them that and you want the name of the Doctor, his name is Dr. Samad. The hospital I was taken to Nassau University Medical Center (8/20/13) located at 2201 Hempstead Tpke, E. Meadow, NY 11554 (516) 572-0123 though I was going through hell I know what happened and I know their aim was to cause me physical harm even to kill me. The voluntary Disclosure form failed to report that I was

taken to a psych ward. In the criminal matter, defendant was release on own recognition, defendant has been in court at each scheduled time and defendant right to removal is valid as racial inequality is at work from every angle in this matter and defendant still have an obligation to deal with this prosecution for it is still hanging over her head. Her interpretation of the prosecution is misapplication of the law by the DA's office, the judge and the refusal of defense by her hired laws to obtain a reason to cause her physical harm. That is why it is in the history of this nation to wrongfully convict blacks. It is not error, it is intentional, racketeering, hatred and violation of humanitarian rights for thrill and a profit.

B) History

A) Voice recording memo of 7/8/13 the date in particular. The tape of that voice recording was sent to Laura Sarowitz in a motion which list the recording as one of the items submitted to the das office as proof of legitimate business and the nature of the disagreement that ensued- not a crime. The recording time 11:30a.m. The exit time from that office 11/43a.m. The complaint filed by James Bouklas is the same date of 7/8/13 the time of the complaint is 12:30p.m. Their intention was to have me arrested upon going to that office and keep the money. But I followed up and I put my complaint in writing. It is because of the paper trail I created that they gave me my money back by promising it to me the following day in response to my complaint.

B) Appeal filed by defendant on 2/25/14, was ignored and discarded by the Das office and the judge.

C) The charge against the defendant has been changed 3 times to entrap and destroy her (lynched into slavery).

D) Formal complaint made via email on 7/8/13 to Richard Reich's office to request the return of the \$300 and after such email the office of Richard Reisch through James Bouklas

responded with an email that the \$300 will be refunded to defendant and James Bouklas motive (\$300) to have defendant kill by abducting her at night or have her destroy (kill) by the criminal system.

E) Defendant's request for dismissal of prosecution (which was confiscated and ignored) dated 11/11/13 made after firing Steven Hoffner first lawyer retained on the case but terminated for making reference to psychiatric evaluation in a letter to the DA which he did not discuss with defendant (also other issues) and defendant found out online a previous client of Steven Hoffner accused him of betrayal.

F) Defendant's texting/communication with Craig McElwee after the last court conference of 12/9/14. Jan 9th 2015 is the last time defendant heard from Craig McElwee. On 2/2/15 defendant mailed Craig McElwee a termination letter for he is in conspiracy against her. He is not agreeing with her and is acting against her wish even though she points the laws to him and what he said he is working on cannot be verified.

G) Request for reconsideration of motion in the interest of justice without finger printing.

H) Rebottle against affidavit in opposition to defendant's motion. This, I sent to my lawyer to reply to the people's opposition but Craig McElwee declined to make use of it and returned it to me. Had he made use of it especially the tape recorder that was included, Judge O'Brien would not have been able to use not having the fingerprint as a reason to ignore the motion (for in there, I addressed the fingerprint issue that Craig McElwee failed to address in the motion he submitted). It is all a plot so that the charge won't be dismissed and they can destroy me (by enslaving me-now a day they call it incarceration-modern day slavery a/k/a innocent people being convicted. That is what Steven Hoffner was trying to tell me).

I) last court conference transcript dated 12/9/14. Judge William O'Brien instruction to the next Judge and DA to violate my body for no legitimate reason.

J) Court conference transcript dated 10/7/13. Judge William O'Brien lack of historical knowledge (facts of the case) for which I appear before him.

L) Court conference transcript dated 8/20/13. Judge Eric Bjerneby issuing an order of protection against me restricting me from contacted James Bouklas and/or the office of Richard Reisch because I answered yes, to his question "Do you know James Bouklas?".

M) Adjustor's report dated 6/27/13. Proof of legitimate business-outstanding problem with Advantage Toyota as well as retainer for the office of Richard Reisch-contract dated June 17th 2013 corresponding to legitimate business.

N) History of 5 lawyers, I have hired and fired because of their involvement in a conspiracy to enslave me.

O) Inaccurate and fraudulent entry into court's records.

P) Accusation/ complaint and order for fingerprint.

C) DENIAL OF RIGHTS

1) Racially motivated terror- There was **no investigation** done because the plot was not an arrest but a lynching which ended up being an arrest for defendant fought for her life and that's why one of the procedures such as defendant being aware of investigation and a report showing that defendant was questioned to obtain the side of her story does not exist. There's no proof a warrant having been issued, no mailing of any notice of a charge and giving defendant a deadline for a response. Defendant received no subpoena relating to any interrogatory. Defendant was attacked at dawn a time where there is likely to be no one on

the street to witness the attack, upon approaching me they failed to identify themselves as detective and failed to state the reason for their presence aloud, they failed to keep an arm length distance, they failed to have proper uniform and marked cars, they came to my place of residence an address not used nor published for business nor the government in the dead of the night in unmarked cars and not in uniform and took me like an animal in front of my house. The detectives failed to issue a DAT to me when I told them if you are with the government, issue me a ticket to go to court and I will go to court to answer to your questions. The DA's office fails to serve defendant with evidence contrary to the fact that defendant had legitimate business with the office of Richard Reisch ESQ where the defendant met James Bouklas the accuser through Robert Zufflack.

D) WHILE IN POLICE CUSTODY:

The detectives because my race, national origin, color, the fact that my accent tells I am a foreigner and all those involved are whites (they refused to give me the ability to make a phone call-because they did not want me to have my own lawyer at arraignment-from my character is it evident that I would refuse the phone call that will get me the help I need? No. But the VDF states that I refused it (its perjury). The cops in the precinct failed to give me the one phone call everyone arrested is allowed to have which I asked for each time they asked me for my fingerprint-(I was not caught in the act of a crime-I was not questioned and I wanted a phone call before I submitted to anything because I saw assassins trying to remove me in the middle of night for one told the other to break my leg and to get me into the car which he attempted to do so as he hit me with his foot which ended on my right ankle-but I yelled louder and cried

"help, help, assassins, call 911". That's why the neighbors came out and called 911. If it were out of good intention they called 911 because I was afraid then they would have seen to it to that I exercised my right to a phone call. It is not them who called 911 as the VDF said and if that were true somebody could say that while in police custody I phone called them for help. No. That did not happen. The detective were trying to get me committed into a psych ward instead of taking me to a precinct to get me processed as I was under arrest if they believed I had committed a crime? They were looking to destroy my brain (P.O. . Carson said to the attendant at the counter "she is a fit".) whereas if they were doing their duty they should have read me my Miranda right, give me my phone call and wait until I get instruction of what to do, and being that I was being treated fairly would not argue my right but follow the directives of the laws as I invoked my right, that was not the case-their order was to destroy me by any means. To cause me physical harm and that's why I was not notified that I was wanted for questioning. They did not want me to know what hit me. If I were white I would have been properly served as I witnessed recently in the case of rape against known attorney Sandy Rubenstein (a white man), he was so aware of him being investigated he made public appearance of the investigation prior to being charged. I think the whole investigation was dismissed and that he never got charged with the crime. In my situation I was kept in the dark, attacked in the dark, hidden in a cell until it is time to see a judge (Bjournby) which I spent 11 hours screaming on the top of my lung while chained and naked for I was told I would not see a judge and the charge was not read during the arraignment.

E) DEFINITION OF PUBLIC ACCOMMODATIONS: Sect 201-203 of the 1964 prohibit discrimination against protected groups in businesses and places that are considered public

accommodations....think of public accommodations as most businesses or buildings that are open to the public i.e. privately-owned/operated businesses, services and building that offer goods or services to the public.

Robert Zufflack attempted to intimidate me and coerce me by giving me bad advice because of my race, national origin, color and the fact that my accent tells I am a foreigner with the purpose of interfering with my right secured by sect 201 and 202 of the Civil Right Acts of 1964 and section of the 1957 civil rights Act in order to make a profit. My business was no longer with Robert Zufflack but with James Bouklas and Mark Gaylord who work for Richard Reisch who share space with Robert Zufflack who told me to work with James Bouklas and Mark Gaylord because they are young and can run around but instead it was because the business that I brought in was not enough and so I was told to make it big "go and get arrested I am a criminal lawyer I can defend you." And when I did not do what he told me but instead demanded a refund, they did to me what I did not want to do "that is being arrested." when peacefully I entered the establishment to collect the refund which they told me was being sent to me which in turn is lie. Section 201(a) guarantees equal enjoyment of places of public accommodation without discrimination on the ground of race. Pp. 384 U. S. 788-793. The unique language of § 203 of the Act bars any "attempt to punish" any person for peaceably seeking service in a place of public accommodation. As construed in *Hamm*, that language prohibits even a prosecution based upon a refusal to leave such premises when the request to leave was made for racial reasons. Pp. 384 U. S. 793-794

F) The DAs office and the court as well as my lawyers have killed the tape each time that I submit it as evidence. Here is a transcript of the tape recorder:

Gertrude: Good morning I am here to see James or Mark.

The receptionist: What's your name?

Gertrude: Gertrude

The receptionist: Ok have a sit I'll let him know.

Background conversation of the receptionist answering a phone call for Robert Zufflack.

Gertrude: Thank you.

Gertrude: wait time for James Bouklas 4 mns 26 and seconds

James Bouklas: Hello, you can talk to my boss if you want.

Gertrude: Hi, hmm, sure.

James: Rick-Gertrude

Richard Reisch: Hi

Gertrude: Hi, Good morning.

Richard Reisch: Hi, How are you.

Gertrude: My name is Gertrude I met with James and Mark. I hired them to represent me and then the Sat I thought I was going to need their help I called them and James told me he hadn't

done anything on the case. The following Monday I called him and told him I don't need his service anymore. I had giving him \$300 and I would like to get that money back. He told me he would mail me and I have not receive it. It is almost two weeks and it is still not in the mail.

Richard Reisch: James, what do you have to say? It is my decision not to give you anything. Because he never said he would mail you anything. Because he never said he would mail it. Did you said you would mail her the money?

James: I didn't say I would mail it her the money?

Richard: Did you say you will give it back to her?

James: we discuss

Gertrude: Why wouldn't my money be returned to me. Because I hired you to do something...

Richard Reisch: because, because

Gertrude: I hired you to do something, I changed my mind, I asked for the money back. My money is supposed to be returned to me.

Richard Reisch: We did two hours of work

Gertrude: I changed my mind. I changed my mind. From what point of view did you do the work? If that's what's the case, hmm, I am. I really I'm dealing with Toyota. I am dealing with an issue of discrimination. And that is what my problem is. Everywhere I go to get a service I am dealing with, hmm, white redneck who is attacking me and taking my money. You told me

you would mail me my check. You have a difficulty giving me my check. I do not understand why? I do not understand why I am not getting my check because you told me, you told me.

James: I didn't tell you anything. I didn't tell you anything. You said...

Richard reisch: yeah

Gertrude: Yeah- yeah I don't understand. You are professional people I gave you my money and you are not giving me \$300?

Richard Reisch: What do you think professional people do?

Gertrude: I don't know, I don't know. You seem to have a money problem.

Richard Reisch: Let me tell you.

Gertrude: What is your problem?

Richard Reisch: First you should know that I am recording this.

Gertrude: Oh, Darling! Darling!

Richard Reisch: Ok.

Gertrude: It is not you who have a problem. I am being targeted. I am being targeted. I am a minority and you are stealing from me.

Richard Reisch: you said we are targeting you?